

Public Law 95-46
95th Congress

An Act

To authorize appropriations for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley project, California, to mandate the extension and review of the project by the Secretary, and for other purposes.

June 15, 1977

[H.R. 4390]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal year 1978, and to be committed for expenditure by the Secretary notwithstanding any other provision of law or contract, the sum of \$31,050,000 for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley Project, California. No funds shall be expended by the Secretary prior to his obtaining a pledge of the Board of Directors of the Westlands Water District, and any other affected districts, indicating their intention to repay costs associated with construction authorized by this Act.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall, within thirty days after enactment of this section, establish a task force to review the management, organization, and operations of the San Luis Unit to determine the extent to which they conform to the purposes and intent of the Act of June 3, 1960 (74 Stat. 156) and the Act of June 17, 1902 (32 Stat. 388). The task force, in conducting its review, shall hold no fewer than three public hearings, at least two of which shall be held within the State of California. Members of said task force shall include, among others, the Commissioner of Reclamation, the Assistant Secretary of the Interior for Land and Water, the Solicitor of the Department of the Interior, the Comptroller General of the United States, or their representatives, members of the general public, representatives of the State of California, and the Westlands Water District. The Secretary shall appoint a task force chairman who shall set the dates of hearings, meetings, workshops, and other official task force functions in carrying out the purposes of this Act. The Secretary is authorized and directed to finance from funds available to him the reasonable expenses of the task force created by this section. The task force shall dissolve on January 1, 1978.

(b) The task force shall submit to the chairmen of the House Committee on Interior and Insular Affairs, and the Senate Committee on Energy and Natural Resources, no later than January 1, 1978, a report on the San Luis Unit, including—

(1) a detailed accounting of funds expended for planning or construction of facilities utilized by landowners within the San Luis Unit, and the specific legislative authority for each feature of the project;

(2) an analysis of the compatibility of the present design and plan of the San Luis Unit with the original feasibility report, environmental impact statement, and cost estimates;

Central Valley
project, San Luis
Unit, Calif.
Appropriation
authorization.

Pledge.

Task force.
Establishment.

Public hearings.

Membership.

Chairman.

Expenses.

Termination date.

Report to
congressional
committees.

(3) an analysis of existing repayment obligations, including rates and types of repayment, the duration of repayments, and the desirability of maintaining present repayment timetables or of modifying them in order to ensure that an equitable burden of repayment falls on all project beneficiaries;

(4) a review of the contractual commitments for water delivery to water districts of the unit, and the development of new methods for calculating and, on a periodic basis, recalculating, all future water service charges;

(5) the fiscal and future environmental impacts of the completion, under current plans, of the San Luis interceptor drain north of Kesterson Reservoir, and recommendations as to the feasibility of implementing alternative uses of waste water such as reclamation for agricultural or industrial re-use;

(6) a procedure to provide greater public awareness of and participation in the design and review of future water delivery contracts by all potentially affected parties by means of public notice and the opportunity for a public hearing;

(7) the adequacy of present levels of authorization for completing the unit and recommendations for funding such completion, such as indexing of authorization or periodic reauthorization;

(8) the record of enforcement of the requirements concerning the disposition of excess lands by persons receiving Federal water or major project benefits, and the residency requirement of the Act of June 17, 1902 (32 Stat. 388), to the extent required by law, and an evaluation of the success of the project in fostering family farms, including the adequacy of present legislation and departmental rules and regulations pertaining to these provisions;

(9) the impact of the commitment of water from the Sacramento-San Joaquin Delta in excess of that obligated in the existing long-term contract, for delivery to the unit under future contracts;

(10) the fiscal and agricultural impacts of extending the project to encompass federally constructed ground water integration operations.

SEC. 3. Neither the Secretary nor any of his representatives shall approve any amendatory or other contract modifying the current water service contract of June 5, 1963 (contract numbered 14-06-200-495-A) or the current repayment contract of April 1, 1965 (contract numbered 14-06-200-2020-A), or any temporary contract extending more than one hundred and eighty days beyond December 31, 1977, prior to the completion of the report of the task force required in section 2 or January 1, 1978, whichever occurs first. No such contract shall be approved by the Secretary or his representative prior to its submission to the Congress for a period of not more than ninety day (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a date certain).

Contracts,
modifications.

Submittal to
Congress.

SEC. 4. Nothing in this Act shall affect any litigation initiated prior to the date of enactment.

Approved June 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-233 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-144 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 2, considered and passed House.

May 24, considered and passed Senate, amended.

May 26, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 25:

June 16, Presidential statement.